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मध्यप्रदेश राजपत्र

(असाधारण) प्राधिकार से प्रकाशित

क्रमांक 457]

भोपाल, गुरुवार, दिनांक 19 नवम्बर 2020—कार्तिक 28, शक 1942

श्रम विभाग

मंत्रालय, वल्लभ भवन, भोपाल

Bhopal, the 18th November 2020

No. F-1-4-2020-A-XVI.—In exercise of the powers conferred by Section 112 of the Factories Act, 1948 (No. LXIII of 1948), the State Government, hereby, makes the following amendment in the Madhya Pradesh Factories Rules, 1962, namely:—

AMENDMENT

In the said rules,—

1. after rule 123, the following rule shall be inserted, namely:—

“123-A. Third Party Certification.—(1) Labour Commissioner, may recognize any person or institution, who is recognized by Chief Inspector of Factories as Competent Person or Institute, possessing required qualification under rule 123 to inspect dangerous machines, hoist and lift, lifting machines and lifting tools and pressure vessels, as third party certifier for third party inspection and certification of factories as prescribed in this department's Notification No. 954-02-2020-A-16, dated 5th May, 2020 published in Madhya Pradesh Gazette, Extra-ordinary. The person/institution who is willing to perform such function shall have to apply online to the Labour Commissioner for recognition as third party certifier in Form 36-B or 36-C as the case may be.

- (2) Labour Commissioner on receipt of application in prescribed form under sub-rule (1) shall register such application and after being satisfied regarding qualification and experience shall recognize as third party certifier in Form 37-A or reject for the reasons to be recorded in writing within a period of 60 days.
- (3) Certificate of recognition as third party shall be issued for such area and for such period as may be specified in the certificate.
- (4) The Labour Commissioner, if he has reason to believe that a recognized person/institution has rendered himself unfit for any reason, to be recorded in writing, may revoke person/institution recognized for third party certification after giving an opportunity to the third party certifier of being heard.

- (5) Any person recognized for third party certification shall not be deemed to be a public servant within the meaning of the Indian Penal Code, 1869 (45 of 1860).

Explanation.—For the purpose of this rule, an Institution includes an organization.”

2. After From 36-A, the following Forms shall be inserted, namely:—

FORM 36-B
[Prescribed under sub-rule (1) of Rule 123-A]

Application for recognition as Third Party Certifier to a person

1. Name
2. Date of Birth
3. Name of the Organisation
(if not self employed)
4. Designation
5. Educational qualification (copies of testimonials to be attached)
6. Details of professional experience
(in chronological order):
Name of the organisation period of service designation Area of Responsibility
7. Membership, if any, of professional bodies
8. Section (s) and rules of Factories Act, 1948 under which certificate is issued if any (Copy of Certificate to be attached)
9. Validity period of such certificate of competency (if applicable)
10. Any other relevant information
11. Declaration by the applicant

I, hereby declare that the information furnished above is true, undertake:

- (a) that in the event of leaving the aforesaid organisation, will promptly inform the Labour Commissioner.
- (b) to fulfil and abide by all the conditions stipulated in the certificate of third party.

Certifier and instructions issued by the Labour Commissioner from time to time.

Place :
Date :

Signature of the applicant

Declaration by the Institution (if employed)

I, Certify that Shri whose details are furnished above, is in our employment and nominate him on behalf of the organisation for the purpose of being declared as a third party certifier under the Act. I also undertake that I will Notify the Chief Inspector in case the third party certifier leaved our employment.

- (a) Provide and maintain in good order all facilities at his disposal as mentioned above;
- (b) Notify the Labour Commissioner any change in the facilities (either addition or deletion).

Place :
Date :

Signature
Designation
Telephone No.
Official seal

FORM 36-C
[Prescribed under sub-rule (1) of Rule 123-A]

Application for recognition as Third Party Certifier to an Institution

1. Name and full address of the organisation
2. Organisation's status (specify whether govt. Autonomous, Co-operative, corporate or private).
3. Whether the organisation has been declared as a third party certifier under this or any other statute. If so. Give details
4. Particulars of persons employed and possessing qualification and experience as set out in schedule.

S. No.	Name and designation	Qualification	Experience
1.			
2.			
5.	Section (s) and rules of Factories Act, 1948 under which certificate is issued if any (Copy of Certificate to be attached)		
6.	Validity period of such certificate of competency (if applicable)		
7.	Any other relevant information		
8.	Declaration		

I, hereby, on behalf of
 certify the details furnished above are correct to the best of my knowledge. I undertake to :

To fulfil and abide by all the conditions stipulated in the third party certification and instructions issued by the Labour Commissioner from time to time.

Place :

Date :

Signature of head of the institution or of the

person authorised to sign on his behalf.

Designation”

3. After Form 37, the following Form shall be inserted, namely:—

“FORM 37-A
[Prescribed under Rule 123-A]

Third Party Certifier Certificate

I, in exercise of the powers conferred on me under MP Factories Rules, 123-A hereby, recognise (Name of the Institution) or Shri (Name of applicant) employed in (Name of Organisation) to be a third party certifier for the purpose of carrying out inspections and certification for non-hazardous category Factories employing less than 50 workers located in Madhya Pradesh.

This certificate is valid from to
This certificate is issued subject to the conditions stipulated hereunder:

- (i) Inspections shall be carried out in accordance with the provisions of the Act and the rules made thereunder;
- (ii) Inspection shall be carried out by the third party certifier or by a person so authorised by an institution recognised to be a third party certifier.
- (iii) The certificate of Third Party Certifier issued is favour of a person shall stand cancelled if the person leaves the organisation mentioned in his application;
- (iv) The institution recognised as a third party certifier shall keep the Labour Commissioner informed of the names, designations and qualifications of the persons authorised by it to carry out inspections.
- (v)
- (vi)

Official Seal

Signature of the
Labour Commissioner

By order and in the name of the Governor of Madhya Pradesh,
CHHOTAY SINGH, Dy. Secy.